IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 14953 of 2007(E)

PETITIONER:

MR. K.Y.SADIK MOHAMMED, S/O.BAVA YOUSAF, KARIKANAMKUDIYIL HOUSE, MUDAVOOR P.O., MOOVATTUPUZHA, ERNAKULAM DIST.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

1. **THE ADDL.REGISTERING AUTHORITY/ THE REGIONAL TRANSPORT OFFICER, ALUVA, ERNAKULAM DIST.**
2. **THE SUPERINTENDENT OF POLICE, ERNAKULAM.**
3. **THE CIRCLE INSPECTOR OF POLICE, ALUVA, ERNAKULAM DIST.**

***ADDL.R4 IS IMPLEADED:**

R4. H.D.F.C.BANK LTD., REP. BY ITS BRANCH MANAGER, METHAR SQUARES, OPP.NORTH RAILWAY STATION, ERNAKULAM, KOCHI – 18.

(*ADDL.R4 IS IMPLEADED AS PER ORDER DTD. 25/07/2007 IN I.A.NO.9966/07)

BY GOVERNMENT PLEADER
BY ADV. SRI.M.A.JOSEPH MANAVALAN for Addl.R4
SRI.SOORAJ T.ELENJICKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.14953/2007 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT IN WP(C) NO.17180/2006 DTD. 29/11/2006.**

EXT.P2: **COPY OF THE JUDGMENT IN WP(C) NO.1422/07 DTD. 12/02/2007.**

EXT.P3: **COPIES OF FRESH REGISTRATION CERTIFICATE.**

EXT.P4: **COPY OF THE ORDER NO.R3-9503/2007 DTD. 17/03/2007.**

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

W.P.(C)NO.14953 OF 2007

DATED THIS THE 2nd DAY OF AUGUST, 2007

JUDGMENT

The petitioner is the purchaser of a vehicle, which was under hire purchase, financed by the additional 4th respondent. The additional 4th respondent seized the vehicle for non-payment of hire amounts. A case was registered against the hirer of the vehicle by the Civil Supplies Corporation for misappropriation and for recovery of that amount the vehicle was attached. As a result of the same, the additional 4th respondent could not sell the vehicle. The additional 4th respondent approached this Court and obtained Ext.P1 judgment permitting the additional 4th respondent to sell the vehicle and to pay balance amounts after adjusting his dues to the Civil Supplies Corporation. In that judgment there was an observation that it is open to the petitioner to seek permission from the Criminal Court for sale of the vehicle. Thereafter, the additional 4th respondent applied to the Registering Authority for issue of fresh registration certificate under Section 51(5) of the Motor Vehicles Act. In that application Ext.P4 order was passed issuing fresh registration certificate under Section 55 (1) of the Motor Vehicles Act canceling the original registration

certificate subject to the condition that permission shall be obtained from the concerned Courts in which case is pending to sell the vehicle as stated in Ext.P1 judgment. Thereafter, it appears that in the meanwhile the vehicle was sold to the petitioner. In view of the particular condition in Ext.P4, the petitioner has approached this Court seeking a direction to the police to issue necessary clearance certificate to the effect that the vehicle is not involved in any crime. However, both the additional 4th respondent and the learned Government pleader submit that the registration certificate has already been issued to the 4th respondent. If the petitioner wants transfer of registration in his name, he has to apply to the Registering Authority, which the petitioner has not done.

In the above circumstances, with liberty to the petitioner and the 4th respondent to apply for transfer of registration in the name of the petitioner, this writ petition is closed.

S. SIRI JAGAN, JUDGE

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